

WIGGIN & DANA LLP  
 450 Lexington Avenue  
 Suite 3800  
 New York, NY 10017-3914  
 212-490-1700  
 Joseph G. Grasso  
 Attorneys for Plaintiff

USDC SDNY
DOCUMENT
ELECTRONICALLY FILED
DOC #:
DATE FILED: <u>6/17/08</u>

UNITED STATES DISTRICT COURT  
 SOUTHERN DISTRICT OF NEW YORK

---

NEW STREAM COMMERCIAL FINANCE, LLC,	:	
	:	
	:	
(AKH)	:	Civ. No. 08 CV 3171
	:	(In Admiralty)
-against-	:	
	:	
STAR OF AMERICA, O.N. 973452, her engines, tackle, gear and appurtenances, etc., <i>in rem</i> ; MAJESTIC STAR, O.N. 1100715, her engines, tackle, gear and appurtenances, etc., <i>in rem</i> ; Majestic Voyages, Inc., <i>in personam</i> ; and Majestic Star, Inc., <i>in personam</i> ,	:	
	:	
Defendants	:	

---

PROPOSED ORDER

Pursuant to the Federal Rules of Civil Procedure, Supplemental Rules for Admiralty or Maritime Claims and Asset Forfeiture Actions E(9), and upon PLAINTIFF NEW STREAM COMMERCIAL FINANCE, LLC'S ("New Stream") Motion to Confirm the Interlocutory Sale of *In Rem* Defendants STAR OF AMERICA, O.N. 973452 and MAJESTIC STAR, O.N. 1100715 (collectively referred to as "Vessels"), and the Affidavit of Attorney Steven B. Malech, and the record and files herein:

IT IS on this 17<sup>th</sup> day of June, 2008, ORDERED, ADJUDGED and  
DECREED as follows:

1. That the sale of the Vessels STAR OF AMERICA, O.N. 973452, and MAJESTIC STAR, O.N. 1100715 (collectively referred to as the "Vessels"), their engines, tackle, apparel, furniture, equipment, and all other necessaries thereunto appertaining and belonging to defendants, undertaken by the Marshal on June 2, 2008, pursuant to the Order of Interlocutory Sale issued by this Court on May 22, 2008, is hereby confirmed.

2. That all monies due to the United States Marshal, Southern District of New York, have been paid and/or will be paid from the monies which the United States Marshal currently has in its possession.

3. That the United States Marshal is herewith instructed to prepare and deliver to New Stream, or its nominee designated in writing to the Marshal, a Bill of Sale conveying title to such vessel to New Stream, or such nominee, free and clear of any and all liens and encumbrances.

4. That no monies are due from the plaintiff as the plaintiff was the successful bidder, and plaintiff was allowed to bid up to the amount of the principal debt without having to pay additional monies.

5. That the expenses incurred in connection with the sale of the said vessel, the safekeeping of the vessel including but not limited to the appraiser's fee, the Marshal's charges, the moneys advanced to the Marshal by plaintiffs, and reasonable attorney's fees are deemed reasonable and necessary and of a preferred nature.

Dated at N.Y.C. this 17 day of June, 2008.



United States District Judge

A handwritten signature in black ink, appearing to read "Alan E. Heller", is written over a horizontal line. Below the signature, the text "United States District Judge" is printed in a standard font.

UNITED STATES MARSHALS SERVICE  
SOUTHERN DISTRICT OF NEW YORK

UNITED STATES MARSHALS RETURN

NEW STREAM COMMERCIAL FINANCE, LLC

Plaintiff

CASE NO.: 08CV3171 (AKH)

-against-

STAR OF AMERICA, O.N. 973452 and MAJESTIC STAR, O.N., 1100715

Defendants

I hereby certify and return on June 2,2008 a public sale was conducted in accordance with this court order. The within named vessels was declared sold to New Stream Commercial Finance, LLC through its representative Steven SANICOLA, as the highest and best bidder, for the amount of Star of America \$1,600,000.00 and Majestic Star \$1,900,000.00. No funds were received at the time of the sale.

MARSHALS FEES AND EXPENSES TO DATE:

SERVICE OF PROCESS:	\$ 360.00
MILAGE FEE:	14.55
COMMISSION*	52,530.00
(Star of America \$24,015.00)	
(Majestic Star \$28,515.00)	
Forwarding Fees:	\$ 0.00
(Notice of sale or Bill of Sale/ Deed)	
TOTAL	\$ 52,984.55
Less deposit:	(- 4,000.00)
Amount outstanding:	<u>\$ 48,984.55</u>



Eric Timberman  
Chief Deputy U.S. Marshal  
06/03/2008

\*Commission 3% first \$1,000, 1 ½ % thereafter maximum of \$50,000 per vessel (28 CFR 0.114))